

CARROLL COUNTY ORDINANCE NO. 39

AN ORDINANCE AUTHORIZING THE OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES IN CARROLL COUNTY, IOWA.

SECTION 1. The Ordinances of the County of Carroll, Iowa, are amended by adopting this Ordinance.

SECTION 2 PURPOSE. Iowa Code §321.1(90) provides that a “vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway. Iowa Code §321.1(42) provides that a “motor vehicle” means a vehicle which is self-propelled. Iowa Code §321.1(4) provides that “all-terrain vehicle” includes off-road utility vehicles. Iowa Code §321.174 provides that a person, except those exempted, shall not operate any motor vehicle upon a highway in this state unless the person has a driver’s license issued by the department of transportation valid for the vehicle’s operation. Iowa Code §321.234A provides that certain persons may operate all-terrain vehicles on a highway. Iowa Code §321.20B provides that a person shall not drive a motor vehicle on the highways of this state unless financial responsibility is in effect for the motor vehicle and unless the driver has proof of financial responsibility. A riding trail means an all-terrain vehicle riding trail on any public land designated by a political subdivision. Iowa Code §321.1(7).

This ordinance designates the streets and portion of roadways where All-terrain Vehicles and Off-road Utility Vehicles may operate. Iowa Code Chapter 321I authorizes Carroll County to evaluate and designate roadways and trails for operation which does not unduly interfere with or constitute an undue hazard to conventional motor vehicle traffic. Registered All-terrain Vehicles and Off-road Utility Vehicles when operated with lights and by insured and licensed drivers do not unduly interfere with or constitute an undue hazard to conventional motor vehicle traffic. Use should be allowed consistent with treatment similar to motorcycles. All streets and highways (except State highways) in Carroll County are hereby designated to be riding trails.

SECTION 3 DEFINITIONS. The definitions of terms used in this ordinance are:

- 1) All-terrain Vehicle means as defined by Iowa Code §321I.1
- 2) Off-road Utility Vehicle means as defined by Iowa Code §321I.1
- 3) Roadway means that portion of a highway improved, designed, or ordinarily used for vehicular travel.
- 4) Street or highway means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public.

SECTION 4 LAWFUL OPERATION. An All-terrain Vehicle or Off-road Utility Vehicle may be operated on streets (except State highways) in Carroll County except in violation of the restrictions in this ordinance and those imposed by the Iowa Code or any municipal ordinance. An All-terrain Vehicle or Off-road Utility Vehicle is authorized to stop at service stations or convenience stores.

SECTION 5 UNLAWFUL OPERATION. A person shall not operate an All-terrain Vehicle or Off-road Utility Vehicle under any of the following conditions:

- 1) In violation of any provision of Iowa Code §321I.4.
- 2) In a careless manner such that it creates or causes unnecessary tire squealing, skidding or sliding upon acceleration or stopping; or simulates a race or causes any wheel or wheels to unnecessarily lose contact with the ground or causes the vehicle to unnecessarily turn abruptly or sway.
- 3) In a manner which causes the road surface material on the roadway to be disrupted or moved in any fashion such as to cause the road surface to have ruts, cause standing water or in any fashion require additional maintenance or grading so as to restore the regular crown or shape.
- 4) Without a lighted white light to the front and lighted red light to the rear, both of which shall be installed and operated in accordance with industry standards and practices for the vehicle.

- 5) Without liability insurance (or other proof of financial responsibility as provided in Iowa Code Ch. 321A) in an amount not less than that required by Iowa Code Chapter 321A for motor vehicles and shall carry proof of insurance on board. An owner or driver cited for a violation, who produces to the clerk of court prior to the date of the person's court appearance as indicated on the citation proof that financial liability coverage was in effect for the motor vehicle at the time the person was stopped and cited, shall not be convicted of such violation and the citation issued shall be dismissed by the court. Upon dismissal, the court or clerk of court shall assess the costs of the action against the defendant named on the citation.
- 6) On any Grade level C street except the portion thereof designed, or ordinarily used for vehicular travel is permitted.
- 7) On any Grade level B street, except the portion thereof designed, or ordinarily used for vehicular travel is permitted.
- 8) On any street where official signs are placed in accordance with the Uniform Sign Manual restricting operation.
- 9) On any land under the control of the Carroll County Conservation Board where Official Rules have been adopted and signs placed in accordance with the Uniform Sign Manual restricting operation.

SECTION 6 REGISTRATION REQUIREMENTS. An All-terrain Vehicle or Off-road Utility Vehicle operated on a roadway shall be registered pursuant to the Iowa Code.

- 1) Those registered in Iowa shall display the current registration decal and shall carry the certificate on board.
- 2) Those registered in another state shall display the current indicia of registration and shall carry the certificate on board in compliance with the other state law.

SECTION 7 EXEMPT VEHICLES & OPERATORS. This Ordinance does not apply to any exemption under the Iowa Code for All-terrain Vehicles and Off-road Utility Vehicles operated pursuant to Iowa Code §321I.9 (government and farm implements) or Iowa Code §321.234A (incidental to and use for agricultural purposes, government, public utilities, licensed engineers and licensed surveyors) or Iowa Code §§352.2, 321I.14(3)(b)(farm operations).

SECTION 8 PENALTIES. Violation of the Ordinance shall constitute a Simple Misdemeanor punishable by a fine only as provided by the Iowa Code plus the applicable court surcharge and costs.

SECTION 9 JURISDICTION. The provisions of this Ordinance shall apply throughout Carroll County, Iowa, including municipalities which have not enacted a municipal ordinance dealing with similar subject matter.

SECTION 10 REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 11 SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 12 EFFECTIVE DATE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and Approved by the Carroll County Board of Supervisors, this 18th day of May, 2015.

Introduction and First Reading: May 11, 2015

Second Reading: May 18, 2015

Third and Final Reading: WAIVED

Marty Danzer, Board Chair

Attest: Kourtney Irlbeck, County Auditor